

## REMARKS

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 8 and 12 have been cancelled, while claims 1, 19 and 20 have been amended to include the limitations of cancelled claims 8 and 12. In addition, the claims have been amended for clarity.

The Examiner has rejected claims 1-23 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,033,752 to Suzuki et al. The Examiner has further rejected claims 1, 14, 17, 18 and 20-23 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,477,819 to Lee et al. The Examiner has additionally rejected claims 1, 14, 17, 18 and 20-23 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,733,623 to Raychaudhuri et al. Furthermore, the Examiner has rejected claims 1, 5, 7-11, 1(?) -18 and 20-23 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,365,256 to Tyan et al. Finally, the Examiner has rejected claims 1, 8-12, 14, 16-18 and 20-23 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,841,218 to Hosoda et al.

In view of the above changes, Applicants believe that the Examiner's rejections based on Lee et al., Raychaudhuri et al., and Tyan et al. have been rendered moot.

The Suzuki et al. patent discloses an optical recording medium and method for recording optical information, in which the recording medium includes a carrier substrate, a first recording stack having a reflective information layer including at least a first layer of a first inorganic material in a first structural

phase, and at least a second layer of at least a second inorganic material in at least a second structural phase, and that alloy inclusions being formed in the information layer upon exposure to a first electromagnetic radiation.

However, Applicants submit that Suzuki et al. neither discloses nor suggests "at least one additional layer (4) positioned between the carrier substrate and the at least first layer (11), the at least one additional layer (4) comprising at least one sub-layer being a metal". Rather, Suzuki et al., at col. 9, line 45 to col. 10, line 22, discloses a bedding layer being positioned between the substrate 2 and the first recording layer 3. Suzuki et al. specifically mentions, at col. 9, line 59, that suitable material includes dielectric substances which are substantially transparent to the light beam being used (col. 9, line 61. Moreover, a specific list is provided (see col. 9, lines 63-67), none of which being a metal.

The Hosoda et al. patent discloses a write-once optical recording medium, in which a substrate is provided, a reflective layer is positioned on the substrate, a dielectric layer is positioned over the reflective layer, a first and second recording layer are deposited on the dielectric layer, another dielectric layer is deposited over the first and second recording layers, and a protective layer is formed over the another dielectric layer.

Applicants submit that while the reflective layer of Hosoda et al. may be metal, there is no disclosure or suggestion in

Hosoda et al. that the recording layer (first and second layers) is reflective, as specifically claimed in claims 1, 19 and 20.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-7, 9-11 and 13-23, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by           /Edward W. Goodman/            
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